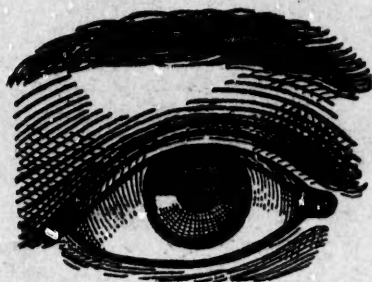


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ARCHER MARTIN,
Barrister & Solicitor,
43 Government Street,
VICTORIA, B.C.



ROME VS. RUTHVEN



"Let the wicked fall into their own nets,
whilst that I withal escape."

PSALM 141-10.

[Aug^t-1897]

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NOTE This relates to ~~the late~~ Victor H. Ruthven
and his attack upon the R.C. Church which
made such a sensation in Victoria in 1897.
He was charged with publishing indecent
literature, but acquitted in the Victoria Police Court,
& was afterwards charged with perjury
but the Grand Jury threw out the bill.



ROME VS. RUTHVEN



"Let the wicked fall into their own nets,
whilst that I withal escape."

PSALM 141-10.



HOWE VS. RUTHERFORD



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ROME VERSUS RUTHVEN.

 UITE unannounced, without blare of trumpet, without beat of drum, a mild-appearing, easy-going gentleman dropped into the City of Victoria, in the Province of British Columbia, on the evening of June 29, 1897. He was a passenger on the incoming boat from Seattle, Wash., U. S. A. Quietly and calmly he stepped ashore and proceeded to the Victoria Hotel, registered as "V. M. Ruthven." He had rather a clerical air and scholarly appearance, but was neither obtrusive nor communicative, so no one suspected that he was other than an ordinary visitor on recreation or on pleasure bent. In a few days, however, there appeared upon the streets hand-bills stating that "V. M. Ruthven, ex-priest of Rome, apostle of patriotism, will lecture in A. O. U. Hall, Yates street, Victoria, B. C., Sunday afternoon, July 4th, at 3 o'clock, on: 'Rome the Enemy of Civil Liberty.' Father Ruthven will also tell why he left the Church of Rome; giving many sad personal experiences. This is a patriotic gospel service for ladies and gentlemen. Sunday evening, July 4th, at 8 o'clock, for men only! on 'Why Priests Don't Wed, or Horrors of the Romish Confessional.' Boys under 17 years of age not admitted. Monday afternoon, July 5th, at 3 o'clock, for ladies only! on 'Priests and Their Victims, or the Woman in the Confessional.' Girls under 17 years of age not admitted."

With no niggard hand were these bills scattered. In store and shop, in office and in private house, on quiet avenue and on busy market place. The information was forced

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upon the attention of the people that the mission of the quiet mannered Mr. Ruthven was to tell them of the dangers with which Rome was threatening the freedom of their country and the sanctity of their homes.

The lectures were a vast success. The large hall was filled to overflowing ; many hundreds being unable to obtain admission.

On Tuesday morning, July 6th, Mr. Ruthven took his departure from, as unostentatiously as he had made his entrance into Victoria. His stay was short, but he had made many friends who urged him to speak again. He expressed his regret that his itinerary was marked out and that he was compelled to leave, so as to fill an engagement at Nanaimo ; whence he was to proceed to Vancouver, Westminster, and other Eastern cities.

Whilst in Victoria Mr. Ruthven met with no opposition, no contradiction. But as soon as his back was turned the local priest, Father Joseph Nicolaye, attacked him in a most virulent and vitriolic letter published in the *Victoria Daily Colonist*, July 7th, 1897. He painted Mr. Ruthven's character in most lurid colors, but (as was remarked by all who read the letter) did not deny a single statement made in the public lectures—and these statements were strong enough in all conscience.

But the good Father Nicolaye never made a more serious mistake, in the whole course of his ecclesiastical career, than when he published that attack on Mr. Ruthven.

Simultaneously with the letter of Priest Nicolaye, special press dispatches appeared in the newspapers of the

United States and Canada containing the most false and unfounded accounts of the ex-priest's lectures. The Seattle, (U. S. A.) *Post-Intelligencer* of July 8th, 1897, had the following.

AROUSED TOO LATE.

VICTORIA GROSSLY INSULTED BY AN EX-PRIEST.

Ruthven "Exposes the Priesthood," and Incidentally Attacks the Women of the Catholic Church—The Community Gets Angry at Last, but the Lecturer has Disappeared—Indictments Pending at Buffalo, N. Y.

[Special dispatch to the *Post-Intelligencer*.]

VICTORIA, B.C., July 7—Victorians as a rule are a phlegmatic people, slow to think, although prompt enough to act when once thoroughly aroused. It is to this lethargic characteristic of the community that Victor M. Ruthven, alias Rior-dan, the renegade and apostate, owes a debt of gratitude. For if any other community on the Coast had been insulted as Victoria was at his lectures Sunday evening and yesterday afternoon, the offending lecturer would have been fortunate indeed to have escaped with his life. As it is, he was not only endured, but his disgusting sentiments even found responsive and appreciative listeners, and it was not until after Ruthven had taken the train for Nanaimo to-day that the better class of the community awoke to the realization of the outrage that had been put upon the city. Ruthven came here on Saturday last, announcing himself as an ex-priest and advertising two lectures, one for men and the other for

women only, at which he promised to "expose the gross immorality of the Roman Catholic priesthood."

The address to the men was on the lines already exhausted by "Father" Slattery, but abounding in lewdness, coarse suggestion and blasphemy, some of the anecdotes related to a crowded audience being such that they would not have been tolerated in a brothel. Incidentally he observed that "here in Victoria I make bold to say not 10 per cent. of your Roman Catholic women are virtuous." Yet this aspersion upon the fair fame of the city's womanhood passed as unnoticed by the audience as the lecturer's obscenity had been by the police in attendance.

The fact that the tirade of the speaker had influenced a portion at least of the audience was apparent at the close of the lecture, for no sooner had the hoodlum element left A. O. U. W. Hall than they hurried to St. Andrews Roman Catholic cathedral, only half a block away, and proceeded to bombard it with stones hastily snatched from the roadway, breaking several of the costly stained glass windows and bringing the venerable Father Nicolaye to the scene, only to be assailed with a chorus of vile epithets and threats of personal violence.

To-day Ruthven left for Nanaimo, where he is announced to lecture to-night and to-morrow. He may carry out his programme, but it is quite possible that the police of the Coal City may perform their duty better than the Victoria officers did theirs

The Toronto (Canada) *Weekly Mail and Empire*, July 8th, 1897, said:

ANTI-CATHOLIC DEMONSTRATION.

VICTORIA, B. C., July 6.—(Special.)—Ruthven, or Riordan, a strong anti-Catholic, lectured here on Sunday and last night on the alleged immoralities of the Romish priesthood. After the Sunday meeting the rowdy element in the audience stoned St. Andrew's Roman Catholic cathedral, and hooted and insulted Father Nicolaye, the white-haired priest. Ruthven has "served time" in the United States, and has indictments alive in the east against him.

The Victoria Daily *Times* of July 6, 1897, published the following letter, written by a member of Priest Nicolaye's congregation, one "S. Perry Mills":

THAT INDECENT LECTURER.

TO THE EDITOR: It is to be regretted that a so-called lecturer, whose name it is unnecessary to mention, arrived in this city before his record could be made known to those persons who attended his indecent lectures. I have before me a newspaper containing the names of ministers of the gospel belonging to the Presbyterian, Baptist and other Protestant denominations, condemning and warning people against this man.

I am informed that his lectures are full of the usual scurrilous and opprobrious language and indiscriminate abuse, interspersed with filthy tales about the Catholic clergy and sisterhoods. The sole object of the lecturer was to obtain the silver offering at the door, to satisfy the prurient curiosity of his audience by trying to wound and insult the religious feelings of the Catholic people of this city and excite prejudices against them, which resulted in an attempt by some

ignorant and excitable people to injure the Catholic cathedral and thereby disturb the order and tranquility of this city.

"Without the means of knowing right from wrong,
They're always decisive, clear and strong."

Parasites can be found in every community. Retaliation is no doubt their sole desire, but Catholics expect that the proper authorities will protect their rights. They stand for the law that is related to each of them and defines the rights that they shall enjoy.

It might be well to remind some of those so-called "Patriots" that they have no rights as such which do not at the same time and to the same extent belong to Catholics as such, to Protestants, Jews and infidels. They can claim nothing on the score of conscience which they can not concede to all others.

The city police, as usual, though present at the lecture were not on hand to prevent the violation of rights and property.

It is unnecessary to say that the Catholic people *revere and admire their clergy* and as for the sisters, *those angels on earth*, words cannot express our love and admiration for them. *It is consolation to know that Jesus was treated in like manner.*

Victoria, July 6.

M.

And so, according to her ancient methods, did Rome proceed to demolish her absent enemy. But Rome had not yet quite taken Ruthven's measure. For all his gentle speech

and mildly, quiet manner Ruthven has in him a fighting strain. As soon as he saw the attacks made upon him he closed his engagement at Nanaimo, cancelled all his dates in eastern cities and returned to Victoria—which was stirred to its very centre on the appearance of a veritable deluge of hand bills bearing the following startling announcement :

A. O. U. W. HALL, YATES ST., VICTORIA, B. C.

EX-PRIEST RUTHVEN

—WILL LECTURE—

SUNDAY AFTERNOON, JULY 18th.

3 O'CLOCK, TO LADIES AND GENTLEMEN, ON

"Atrocious Teachings of the Romish Confessional."

Startling revelations of doctrines and practices Destructive of the Individual, the Family and the Nation.

Father Ruthven will show that Lying, Theft, Anarchy and Murder are taught by Romish Confessors, and hereby challenges Priest Nicolaye or Bishop Lemmens to disprove these charges. One hundred dollars are waiting for either of them who does so. Father Ruthven will admit them to his platform, and allow them to use their own hand books of Theology, "Gury," the "Compendium," and the "Casus Conscientiæ." They will be treated with courtesy and absolute fairness. There will be no turning aside from the questions at issue to indulge in personal abuse or baseless calumny. Every facility will be afforded them to disprove the serious indictments brought against their church. This is a grave question; one affecting the well-being of the nation; and Father Ruthven *is ready to stand or fall* on facts.

SUNDAY EVENING, JULY 18TH, AT 8 O'CLOCK, FOR MEN ONLY, on "The Priest, the Woman and the Confessional." Boys under 17 years of age not admitted. This will be an entirely new lecture, with new facts, new quotations, new illustrations. The charges made against the Church of Rome of teaching practices destructive of life in its very dawn will be explicitly repeated—and the above challenge holds good for this lecture also.

MONDAY AFTERNOON, JULY 19TH, AT 3 O'CLOCK, LADIES ONLY, on "Priests and their Victims, or the Woman in the Confessional." Girls under 17 years of age not admitted. This also will be an entirely new lecture, with new facts, new quotations, new illustrations.

ADMISSION TO EACH LECTURE, 10c.

Doors open one hour before lecture begins. Come early if you desire a seat.

Then was there consternation in the camp of Babylon. Priest Nicolaye rushed here and there and everywhere, invoking the aid of all and sundry to stop the lectures. He had drawn the challenge on himself, by his cowardly attack on an absent man, he evidently dare not meet the challenge, so the only retreat open to him was to prevent Ruthven's appearance on the platform of A. O. U. W. Hall on the afternoon and evening of July 18th, and the afternoon of July 19th. Well-known healers of the Vatican boasted that the ex-priest would not speak as advertised. Prominent members of the Y. M. I. spoke significantly of Romanists high in the service of the State who would "put a job up on Ruthven." And the job was certainly put up, though it did work quite as the Priest Nicolaye desired.

On Thursday, July 15th, 1897, Joseph Hall of 45 David street, in the City of Victoria, B. C., a member of

Priest Nicolaye's congregation, swore out an information against Ruthven, "for that he, on the 14th day of July, 1897, at the City of Victoria aforesaid, did, without lawful justification or excuse, unlawfully, wickedly, knowingly, wilfully and designedly, publicly sell and utter a certain, indecent and obscene book called 'Crimes of Romish Priests,' thereby tending to corrupt the morals as well of youth, as of other liege subjects of our Lady the Queen, and against the peace of our said Lady the Queen, her Crown and dignity."

On the strength of this information Ruthven's private apartments were raided by the police on the night of Thursday, July 15th. Every book in sight was seized and he was informed that there was a warrant for his arrest; but that the said warrant would not be served until 10 o'clock next morning, so as to give him a chance to clear out on the 8:30 a. m. boat for the United States. Ruthven quietly answered that he was not on the run from Rome, and that he would be on hand at 10 o'clock next morning.

At the appointed time the Sergeant of Police, accompanied by one of his subordinate officers, appeared and put Ruthven under arrest. He was brought before Justices of the Peace Pearson and Dalby, and, at the request of the prosecution, remanded until Monday, July 19th. He asked no one for countenance or assistance; yet two of the most prominent business men in Victoria immediately went his bail. It was fixed at \$400. Immediately on his release Ruthven proceeded to continue the advertising of his lectures as if nothing unusual had occurred. But it was to prevent these very lectures that he was arrested; so in pursuance of that end he was, to the amazement of the citizens, re-arrested on the afternoon of Saturday, July 17th, on two warrants, one

sworn out by Priest Nicolaye, the other by Simon A. Bantly, a member of Nicolaye's congregation, and a prominent "Y. M. I." Ruthven was brought before County Court Judge Harrison, in his capacity of Stipendiary Magistrate. The following is from the *Victoria Daily Times*, Saturday evening, July 17th, 1897:

**CRIMINAL LIBEL AND INCITING TO A BREACH
OF THE PEACE ARE CHARGED.**

V. M. Ruthven appeared at 2:30 this afternoon before His Honor County Court Judge Harrison, charged with criminal libel and inciting a breach of the peace. The information charging criminal libel is laid by Rev. Father Nicolaye, and charges Keith Ruthven, alias Victor M. Riordan, with maliciously intending to injure Father Nicolaye and deprive him of his good name by publishing a false and obscene libel concerning him in his office of a priest of the Roman Catholic church, which obscene matters are contained in a certain book or pamphlet entitled "Crimes of Romish Priests," and also in a certain handbill written in the sense of imputing that the said Father Nicolaye has committed and is committing acts of gross public and private immorality and indecency, and has encouraged and is encouraging others to like acts, well knowing the same to be false.

The other charge is laid by Simon A. Bantly, who swears that Ruthven gave him a handbill, and that he verily believes the continued distribution of the said handbill and the holding of said lectures, as in the handbill mentioned, to-morrow, and the challenge in the handbill to Father Nicolaye is calculated to produce a breach of the peace. Gordon Hunter and S. Perry Mills appeared for the prose-

cution, and S. D. Schultz and G. E. Powell for the defence.

Mr. Schultz, in regard to the criminal libel, asked for an adjournment, and as his client was already on bail, he asked that no additional bail be ordered.

The judge mentioned the supposed fact that the accused was going on with a lecture to-morrow afternoon, and what good would it do to let the accused in bail if he was going on with the lecture? Here in Victoria no religious troubles had ever arisen as in the east, and what was the use of going on with the same thing to-morrow when the whole matter could be settled on the trial of the libel charge? If the accused can prove what he asserts, he has the opportunity in court of justice, on sworn evidence. A jury is the proper tribunal for a thing of this sort to come before, and let it be tried before them, and not at a Sunday afternoon meeting, and possibly in a disorderly manner. When counsel ask for bail they should be prepared to say what course the accused will take in regard to the proposed lecture to-morrow afternoon. The court then adjourned for five minutes to give counsel for the accused an opportunity to consult with their client about the course he would pursue in regard to the Sunday lecture.

His Honor stated that he had received a letter from the justices before whom the first information was laid asking him, in his capacity as a stipendary magistrate and justice of the peace, to hear the charge, and that explained his presence in the case.

After the five minute intermission Mr. Shultz announced that he was now prepared to go on with the libe

charge, and Rev. Father Nicolaye at once took the witness stand and was examined by Mr. Hunter.

The case was in progress when the Times went to press.

It will be noticed in the above account that "the court adjourned for five minutes to give counsel for the accused an opportunity to consult with their client about the course he would pursue in regard to the Sunday lecture.

In other words, it was very plainly intimated to Ruthven that if he engaged not to deliver the lectures proceedings would be quashed then and there.

But Ruthven stood to his guns and, on the re-opening of the court, quietly answered "I will lecture if I have my liberty and my voice."

In face of this declaration there was nothing for it but to go on with the trial.

But we will let the "*Victoria Daily Colonist*, Sunday, July 18, 1897," take up the story here :

WILL STAND HIS TRIAL ON A CHARGE OF CRIMINALLY LIBELLING FATHER NICOLAYE.

JUDGE HARRISON ALSO BINDS HIM OVER TO KEEP THE
PEACE FOR FOUR MONTHS.

The troubles over "Father" Ruthven took a new turn yesterday when he was arrested on a charge of criminal libel, and also on a charge that his lectures advertised for to-day

were likely to lead to a breach of the peace. The charge of criminal libel was laid by Father Nicolaye, and in effect was that Ruthven maliciously intended to injure Father Nicolaye and deprive him of his good name and reputation by publishing obscene and defamatory libel contained in a book or pamphlet entitled "Crimes of Romish Priests," and also in a certain handbill imputing that Father Nicolaye had encouraged and committed acts of gross public and private immorality. The words particularly complained of were "Father Ruthven will show that lying, theft, anarchy, and murder are taught by Romish confessors, and hereby challenges Priest Nicolaye or Father Lemmens to disprove these charges." The charge also stated that the pamphlet or book entitled "Crimes of Romish Priests."

The other charge which was laid by Simon Bantly was to the effect that the handbill circulated calling attention to Ruthven's lectures was calculated to produce a breach of the peace, and that "the said Simon Bantly is afraid that some bodily injury will be done to Her Majesty's liege subjects in the city of Victoria."

Ruthven came before Judge Harrison in the court house at half-past two to answer to these charges. Mr. S. Perry Mills and Mr. Gordon Hunter appearing for the prosecution and Mr. S. D. Schultz and Mr. Geo. Powell for the defence.

It was decided to take up the preliminary hearing of the libel charge first, and Mr. Hunter opened for the prosecution by reading extracts from the "Crimes of Romish Priests," which reflected on the morality of the Roman Catholic clergy, and also quoted the sentence already given from the handbill.

Mr. Schultz asked that the libel case be laid over till Tuesday and that no additional bail than that already given

by his client in the case to come on Monday should be demanded.

Judge Harrison wanted to know whether in the meantime it was the intention of the accused to defer his lectures advertised for Sunday. The libel charge was more serious than the one of publishing obscene literature, for which the accused had already given bail. The accused in his handbills stated that he would show that priests taught crime, and this the judge thought might be calculated to bring on a breach of the peace. Ruthven claimed he could prove this, and now here was an opportunity given him of proving his statements in a court of law. What good, however, could be done by letting him out on bail and yet repeat in a lecture the very thing complained of. Hitherto there had never been religious disturbances in Victoria, and it was one of the aims in the British Empire to see that as far as possible there was no clashing of religions. When religious passions were roused there was no telling where they would stop.

After a short adjournment to allow Messrs. Powell & Schultz to consult with their client, it was decided to go on with the libel case.

Father Nicolaye was put in the box as the first witness and examined as to his duties as a priest. He gave denials to the statements in the bills against the priesthood, and gave testimony as to the chastity of priests. The effect of the charges of sensuality, if they were true, would, the witness said, result in his being dismissed from the priesthood.

The defence had no questions to ask this witness.

Mrs. Mary Brinkman was put in the box to show that she had bought one of the pamphlets from Mr. Ruthven and that

he had given her a handbill as well. She understood the statements in the bill to reflect on Father Nicolaye and Bishop Lemmens personally, and she stated that, as a Roman Catholic, she had only been taught what was good and moral.

Joseph Hall gave similar testimony to this witness, as also did Simon Bantly.

The accused upon being asked, declined to say anything at this stage.

Mr. Powell for the defence held that no offence had been proved. In order to show an offence it was necessary to prove that there was an absolute definite charge against Father Nicolaye, and that this had not been proved.

The court refused to take upon himself to say that there was no libel, and therefore he committed the accused for trial.

Next came the information of Samuel Bantly, to the effect that the lectures advertised on the handbill might lead to a breach of the peace. After "Father" Ruthven's last lecture he had found next morning sods and stones up against the door of the Roman Catholic cathedral, and the handbills being distributed with charges that Catholic priests taught lying, stealing and murder might lead to trouble, as people might get to argument and thence to fighting.

Mr. Schultz asked in cross-examination: "If you were to prevaricate unwittingly in the witness box, could you be absolved by a priest for that?"

This question the Court overruled on the ground that it was in effect questioning whether the oath of a Roman Catholic was binding, and as long as a man considered his oath binding

it mattered not, under our law, whether he was Christian or heathen.

Witness in cross-examination said he did not know who threw the stones he saw at the church door. There had been no fighting over the last lecture, but there might if there was another. He did not personally think Father Ruthven a dangerous man, nor was he afraid of him.

Mrs. Brankman, the next witness, considered the handbill an insult to the priesthood and Catholics. She had bought one of the pamphlets from the accused, and he had given her a handbill.

Joseph Hall stated that as a Roman Catholic he considered the expressions in the handbill and books insults and calculated to make trouble. The lectures too he thought might result in a row as Catholics were not likely to stand by while insults were being uttered.

This completing the evidence for the prosecution the counsel for the accused asked that the charge be dismissed on a number of grounds. One was that the prisoner had been given no opportunity to plead, the charge not having been read to him; another was that the offence did not come under the criminal code as a person could only lay an information when fearing bodily harm for himself, his wife or child. It was also contended that the warrant of arrest was defective in that it was not a copy of the information; also that it had not been shown that anyone was in personal danger.

In regard to the objection that the charge should have been read to the accused, the Court thought that the ground was well taken. After the court met again the new information

was read over to the accused, and he was asked what he had to say that he should not be bound over to keep the peace.

To this Mr. Ruthven replied that he had been distributing similar handbills for the last seven years, and they had never caused any disturbance. *He intended to commit no disturbance, and he considered that if other people did intend to cause the trouble they should be arrested and bound over, and not him.*

Mr. Powell thereupon renewed the objections already taken, and argued, moreover, that the matter was in reality *res judicata* and the former information must be treated as dismissed.

The objections were noted and then the whole of the evidence on the charge was heard over again.

Counsel for the defence refrained from cross-examination of the witnesses, relying on the objections raised.

After a long fight between counsel and much hunting up of authorities the Court decided that Ruthven must give sureties to be of good behaviour for four months, or in other words that he would not incite trouble. The bond was the defendant in \$500 and two sureties of \$250 each. On the charge of criminal libel the Court could not give bail, as application must be made to another judge. Therefore Ruthven spent the night in jail.

Just after the court adjourned Mr. John Braden, M. P. P. jumped up in the middle of the court room and announced to the crowd of spectators. "There will be a meeting to-day at 3 o'clock at the same place.

This produced applause and people still hung around the room for some little time till the police were requested to clear it.

Ruthven, it will be observed from the foregoing, spent the night in jail. Yes, that was part of the plan. The counsel for the prosecution talked against time so as to keep the court in session until after 12 p. m. on Saturday night. This brought them into Sunday morning, and as Judge Harrison, in his capacity of committing magistrate, had no jurisdiction to grant bail on Sunday, they fully expected the ex-priest would lie in jail until Monday, and that so the lectures would be prevented. But their plans failed. A mass-meeting of citizens was called for Sunday afternoon and steps were taken which resulted in Ruthven being bailed out at seven o'clock on Sunday evening. His bail was fixed at \$2,000, and at least twenty prominent and substantial citizens came forward to go upon his bond. Straight from the jail to the A. O. U. W. Hall, unshaven and unshorn, marched the indomitable Ruthven; where an ovation waited him, such as has never been accorded another man in Victoria. Standing room was at a premium long before the meeting opened, and out upon the streets the people gathered to hear the ex-priest's voice as it came through the open windows. A committee was appointed to take subscriptions for the "Liberty Defense Fund," out of which Ruthven's legal expenses will be paid; and another mass-meeting was called for Sunday evening, July 25th, to take steps towards contradicting the false "press dispatches" sent out by the friends of Rome. At that meeting, which was composed of at least eight hundred of the business, professional and working men of Victoria, the following resolutions were passed unanimously and with the wildest possible enthusiasm—for themselves they speak and need no comment.

"Whereas at Victoria, British Columbia, and within the the A. O. U. W. Hall, there, on the twenty-fifth day of July,

1897, a grand mass meeting of citizens assembled and was constituted a committee to enquire into certain charges levelled against the people and the police of the City of Victoria, B. C., in connection with the alleged attack on St. Andrew's Roman Catholic Cathedral; alleged insult, threat and violence offered to Priest Nicolaye; an alleged indifference, incompetence and neglect of the police authorities of Victoria, B. C., on the night of July 4th, 1897;

"And whereas John Braden, M.P.P. was unanimously elected Chairman, and Mr. Alexander C. Howe, Secretary.

"And whereas, in an editorial published in the *Victoria Daily Colonist*, July 6th, 1897, occurs the following passage:

"We learn with regret that persons returning from a so-called lecture on Sunday disgraced themselves by stoning the Roman Catholic Church. We had not supposed that there were in Victoria persons so lost to all sense of decency. It is surprising that such a thing could have taken place without the knowledge of the police.'

"And whereas, in a letter, under the caption 'That Indecent Lecturer,' over the signature 'M,' written by S. Perry Mills, a member of the Roman Catholic Church, and published in the *Victoria Daily Times*, July 6th, 1897, occurs the following passage:

"The City police, as usual, though present at the lecture, were not on hand to prevent the violation of the rights of property.'

"And whereas, in a special press dispatch published in *The Weekly Mail and Empire*, Toronto, Canada, July 8th, 1897, occurs the following passage:

"Ruthven, a strong anti-Catholic, lectured on Sunday and last night on the alleged immoralities of the Romish Priesthood. After the Sunday meeting the rowdy element in the audience stoned St. Andrew's Roman Catholic Cathedral and hooted and insulted Father Nicolaye, the white-haired priest."

"And whereas, in a special press dispatch in the *Seattle Post-Intelligencer*, Seattle, Wash., U. S. A., July 8th, 1897, occur the following passages :

"The fact that the tirade of the speaker had influenced a portion at least of the audience, was apparent at the close of the lecture, for no sooner had the hoodlum element left A. O. U. W. Hall than they hurried to St. Andrew's Roman Catholic Cathedral, only half a block away, and proceeded to bombard it with stones hastily snatched from the roadway, breaking several of the costly stained windows and bringing the venerable Father Nicolaye to the scene, only to be assailed with a chorus of vile epithets and threats of personal violence.

"To-day Ruthven left for Nanaimo, where he is announced to lecture to-night and to-morrow. He may carry out his programme, but it is quite possible that the police of the Coal City may perform their duty better than the Victoria officers did theirs."

"And whereas, after full, complete and official enquiry, it has been incontestibly established that there was no such attack on St. Andrew's R. C. Cathedral, or on any other house or property of the Roman Catholic Church, and no such insults, threats or violence offered to Priest Nicolaye or to any other priest or person of the Roman Catholic Church ;

"Therefore be it resolved :

"(1) That this meeting declare that the above mentioned charges derogatory to the conduct and character of a

large section of the Protestant population of the City of Victoria are without foundation in fact.

"(2) That the above mentioned charges of injury to St Andrew's Roman Catholic Cathedral are without foundation in fact.

"(3) That the above charges of insult, threat and violence to Priest Nicolaye are without foundation in fact.

"(4) That the charges against the loyalty and efficiency of the police of Victoria, B.C., are without foundation in fact.

"(5) That the astonishment and regret of this meeting at the failure of the Roman Catholic authorities to deny and contradict these false and unfounded charges be herein expressed.

"(6) That Father Ruthven has the deepest sympathy, the fullest support and the hearty co-operation of this meeting in his fearless and manful fight for liberty of conscience and free speech.

"And be it further resolved :

"(7) That copies of these resolutions be given to Father Ruthven and to the Chief of the Victoria police, and sent to the *Victoria Colonist*, *Times* and *Province*, and to the newspapers of Canada and the United States, with a request for their publication.

"[Signed] } JOHN BRADEN, M. P. P., Chairman.
 { A. C. HOWE, Secretary.

"Victoria, B. C., and within the A. O. U. W. Hall, the twenty-fifth day of July, 1897."

But the real fight to a finish between Rome and Ruthven came off when the trial on the obscene literature charge came up. In it Rome was badly beaten; retiring from the arena demoralized, discomfited, and discredited for all time in the eyes of the people of British Columbia. It is worthy of remark that the same witnesses: Hall, Bantley, and Mary Brinkman appear in each case.

On Thursday morning, July 22nd, 1897, within the Police Court, Victoria, British Columbia, before Magistrate Farquhar Macrae, after two adjournments, commenced the trial of Victor M. Ruthvin, ex-priest of Rome and public lecturer, on a charge of circulating indecent literature.

The charge was brought by Joseph Hall, who admitted on the witness stand that he was acting under the advice and by the instructions of Priest Nicolaye, the administrator of the diocese and the ecclesiastic in command of Romish affairs during the absence of Bishop Lemmens from British Columbia.

The following is an exact copy of the information sworn to by Hall, after several amendments asked for by the counsel for the prosecution, S. Perry Mills and Gordon Hunter. These amendments were inserted in a desperate effort to bolster up a lamentably hopeless case.

" Information and complaint for an indictable offence.

" Canada,

" Province of British Columbia,

" County and City of Victoria.

" This information and complaint of Joseph Hall, of 43 David street, in the City of Victoria, Province of British Columbia, taken this 15th day of July, in the year of Our

Lord, one thousand eight hundred and ninety-seven, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said County of Victoria, who saith that Victor Michael Ruthven of the Victoria Hotel, in the city of Victoria, to wit: on divers days, between the 3rd and 15th days of July, 1897, in the City of Victoria, without lawful justification or excuse, unlawfully, wickedly, knowingly, wilfully and designedly, did publicly sell and utter a certain indecent and obscene book called 'Crimes of Romish Priests,' and which is hereunto annexed to this information, Marked 'A'; thereby tending to corrupt the morals as well of youth as of other liege subjects of our Lady the Queen, and against the peace of our said Lady the Queen, her crown and dignity.

JOSEPH HALL.

"Sworn before me the day and year first above mentioned at Victoria.

" E. PEARSON, { SEAL } J. P."

S. Perry Mills and Gordon Hunter were counsel for the prosecution.

Mr. Archer Martin conducted the defense, and, in the words of an able editorial published in *The Province*, July 31st, 1897, "he handled his case in masterly style from start to finish, and demonstrated to the satisfaction of the magistrate, by comparison with standard literary works, that the book was not obscene, and the charge was finally dismissed."

The case was called at 10 a.m., and the first witness sworn was the INFORMER, Joseph Hall.

Witness sworn.

"My name is Joseph Hall I am a mariner (on dry land). I live at 43 David street, in the City of Victoria, Province of British Columbia. I purchased the book attached to the information marked "A" and entitled 'Crimes of Romish Priests,' from the defendant. I bought it from him in his private room, his bedroom, room 63 in the Victoria Hotel. I paid 25c. for it. Simon A. Bantly, the cigar maker, told me where to find the room. He told me the number of the room.

Mr. Martin—"Who sent you to buy the book?"

This seemed a simple and a fair enough question, and one which was entitled to an immediate answer. But a bombshell suddenly dropped within the witness box could not have more completely demoralized Joseph Hall, dry-land mariner and Papist informer, than did this straightforward question—"Who sent you to buy the book?" Hall turned pale beneath his black and tanned complexion. He faced around squarely towards S. Perry Mills and, raising the yellow of his pole-cat eyes towards that Barrister-at-Law, mutely appealed for some sign—informers usually do require a sign when they are taken outside the lines of their prepared recitation—but the eyes of the Court were on S. Perry Mills, and he waved that basilisk gaze aside. Cast off by his friend and mentor in that moment of sore temptation and of dire distress, INFORMER HALL threw despairing glances on the floor, towards the ceiling, to the right and to the left; whilst oft-repeated, like the voice of doom, came that simple question "Who sent you to buy the book?"

For Gawd's sake gi-me a chair, I'm 'wake," moaned the ancient mariner. A chair was given him and he was invited

by the ever-courteous Magistrate Macrae to seat himself, to compose his perturbed feelings, to bid his beating heart be still, and answer Mr. Martin's question.

"Who sent you to buy the book?"

"Oh! oh! Gi' me a drink, I'm burning wid the drute," screamed the jealous custodian of "the morals, as well as of youth as other liege subjects of our Lady the Queen." The water was, after a delay of at least fifteen minutes, procured. The glass was grasped convulsively in the trembling hands of the nervous navigator. Raised to his flap-like lips, the cooling liquid disappeared down that awful mouth—that mouth so like the gulf of Mexico.

"Who sent you to buy the book?"

"Pon me sowl I'll niver tell oo," snarled this marine Anthony Comstock.

"You *must* answer the question," came from the magisterial lips.

"Who sent you to buy the book?"

"Oh, Blessed Virgin!—Oh, Holy Mother!—Oh, Saint Patrick, help me!—I'm destride intoirely—I'm sick—I have a pain—I can niver tell-oo who sint me to buy dat misfortunate book."

"Who sent you to buy the book?"

"Wather!—Wather!—in the name of blessed Pether, wather, wather, me intrails are blazing—Wather!—Wather!"

Again the court ordered a cooling draught for the suffering vagabond upon the witness stand. Again the Gulf of Mexico was flooded.

"Who sent you to buy the book?"

One last wild look towards Mills, one last silent petition to all the Saints in all the calendars for pardon, and then from the parched and twitching lips of Joseph Hall, mariner, 43 David Street, City of Victoria, B. C., came forth a sound like to the sorrowing confession of a long-lost soul, and that sound to the astonished court did say—

"FATHER NICOLAYE!"

"Father Nicolaye told me about the book. In consequence of what Father Nicolaye told me *I went right away* and got the book. I brought it *straight back* to Father Nicolaye at the Bishop's Palace. S. Perry Mills was there. I left the book with Father Nicolaye. I have heard of Father York of San Francisco. I know Father Yorke. He has a brother here, one Frank Yorke, a stevedore. Father Yorke is a brother-in-law of Chief Justice Davie."

Here Mr Martin rested, much to the relief of the suffering, thirsty Hall, who staggered blindly from the witness stand; and moaning for "mercy, mercy on me poor sowl," was led by sympathising members of the "thru" church to the outer air.

The court then adjourned till 2:30 p.m.

Is it a breach of charity to brand this witness as a liar? Read the information sworn to by him. Mark his admissions, admissions wrung with infinite difficulty from his unwilling lips, admissions that he brought the book under directions from Father Nicolaye; that he went *right away* from Father Nicolaye to procure the book; that after he had procured it he brought it *straight back* to Father Nicolaye; that he left

the book with Father Nicolaye. Consider the impossibility of his having read the book, under these circumstances, and then ask: "Could that man have been honest and truthful when he swore out that information?"

At 2:30 p. m. Thursday, July 22nd, 1897, the court resumed the hearing of the case of Hall *versus* Ruthven;

Mary Brinkman was the next witness called.

"I lives at 77 Discovery street. I'm a dacent married woman. My husband is a thram-car motorneer. I called on defindint in his private room, room 63 Victoria Hotel, on July 14th, 1897. Hall, the pravius witness tould me where to find defindint. I'm a relation of Hall's. We are cusing."

This information was elicited in answer to a question suggested by the remarkable facial resemblance between Joseph and Mary. It is a peculiar style of beauty which marks the Hall family.

"I knocked at defindint's dure, his bed-room dure (modest Mary Brinkman) and was told to come in. I axt him for the "Dodger." I wanted the "Dodger." Defindint said he wouldn't gie me the "Dodger." The meeting was a private wan, in the bed-room, when I axt for the "Dodger." Defindint didn't gie me the "Dodger." "When I couldn't get the "Dodger" I bought a book from him. The title of the book was "Crimes of Romish Priests." I recognize 'Exhibit D' as being the book I bought. I put my name on it about tree minutes after I bought it. I put my name on it when I got to my destination. My destination was the Priests' house on Yates street. When I got there I gev the book to Father Nicolaye. I left it wid Father Nicolaye."

When asked if she ever read the book the modest Mary Brinkman became very restive and would not answer until she had been repeatedly warned by the magistrate.

"I never read the book. I saw the title "Crimes of Romish Priests," and that was enough for me. I knew it was a bold bad book when it had such a title."

Here Mr. Martin handed the book to witness and asked her to read the title aloud.

Mary hardly expected that she would be subjected to such a severe intellectual test. But the court compelled submission, and she took the book, darting a most vitriolic glare at counsel for the defense. But it was easier to take the book than to read its classic title page. The four words, "Crimes of Romish Priests," printed in large capitals, were rattled off glibly enough, but when she came to a sentence printed in ordinary nonpareil Mary's voice faltered and grew husky, she tried and failed, and tried and failed a second time, and then tried back again, and not until she had received considerable assistance from Mr. Martin did she succeed in deciphering a short sentence which an average eight-year old child, educated in the public schools, would read at a single glance.

Mary is evidently not only a member of the "thru church," as she testified in her own sweet way, but a graduate of the Parochial School. Her literary attainments shed lustre on the system so dear to Rome. But we must remember that she is a great hand at the Catechism, and a connoisseur in choice brands of holy water. •

No comment is needed on her evidence—*She never read the book*—and yet she comes boldly forward to testify on oath

that it is "indecent and obscene, thereby tending to corrupt the morals as well of youth as of other liege subjects of our Lady the Queen—and against the peace of our said Lady the Queen, her Crown and dignity."

Oh, the fine touch of the unseen hand of Nicolaye.

Simon A. Bantly was the next witness called. Simon has become known to fame as the "moral Mr. Bantly," the chief mover," after Nicolaye and Mills, in this action to conserve "the morals as well of youth as of other liege subjects of our Lady the Queen." He is very sensitive and easily shocked, and his truthfulness is on a par with his modesty. He testified as follows:

"My name is Simon A. Bantly. I am a cigar maker. My place of business is at 155 Fort street, Victoria. I reside there. On July 14th I called on defendant at his private room—room 63, Victoria Hotel. I told him I belonged to a secret society. I pretended friendliness to him. I pretended to take an interest in his work. I asked him for the "Eye-Opener." He said he had no such book. I then asked him for "Crimes of Romish Priests." He gave it to me. Immediately on securing the book I went straight to the New York saloon. I signed my name on the book in the saloon. I stayed in the saloon about two minutes. I went straight from the saloon to the priests' house on Yates street. I found Father Nicolaye waiting for me there. S. Perry Mills and Joseph Hall were also there (and the compiler of this book is certain that the Devil was not far off.) It was I who sent Hall to defendant's room for the book which he secured. We all talked about the book. I stayed with them about 15 minutes. I then went away and left the book with Mills in the priests' house. I am a Roman Catholic and a member of the Y. M. I.; so also are other witnesses in this case."

There was considerable difficulty with this witness. He gave three contradictory accounts of his movements from the time he left Ruthven's room to the time when he gave the book to Mills. The above statement was the one he finally decided to abide by.

Mark the pilgrimage of this fellow Bantly from room 63 to the saloon, and from the saloon to Father Nicolaye, and that pilgrimage was appropriate enough; for Rum and Rome have always gone together. Mark the careful signing of the name, just as in the cases of those lovely cousins Joseph and Mary, who testified before him. Mark the time the book was in his possession, enabling him by a careful and conscientious perusal to swear, in a Court of Justice, that it is an "indecent and obscene book, thereby tending to corrupt the morals as well of youth as of other liege subjects of our Lady the Queen." Mark his connection with the "*thru Church*" and the Y. M. I. Remember Mr. Ruthven's assurance that Bantly represented himself as a friend and an Orangeman, and then say what words are sufficiently strong to condemn the treacherous, the infamous conduct of Simon A. Bantly, cigar maker of 155 Fort street, communicant of the Romish church, and member of the secret Romish society—the Y. M. I.

After the moral Mr. Bantly had effaced himself from the sight of a disgusted public, the court adjourned until Saturday morning, July 24th, at 10 o'clock.

Saturday morning, July 24th, 10 o'clock—The adjourned case of Hall *vs.* Ruthven was taken up before Magistrate Farquhar Macrae.

J. W. Walker, Sergeant of Police, was the first witness sworn.

My name is J. W. Walker. I am a sergeant of the Victoria police. I know defendant by sight. I executed a search warrant at his room, at the Victoria Hotel, room 63, on the 15th, of July at 10 p.m. I was accompanied inside the room by Officer Perdue. I showed defendant the warrant and told him that S. Perry Mills was outside. I said that Mills came to see the warrant executed. Defendant then asked that Mills be brought in, as he wanted Mills to be satisfied that there was a full and honest search. I sent Officer Perdue out for Mills. Mills refused to come in. When I showed defendant the warrant he may have said, "take all your warrant calls for." On the return of Officer Perdue defendant expressed his disgust for Mills and immediately opened out his satchels and his bureau drawer. I seized 690 copies of "Crimes of Romish Priests" (afterwards the sergeant corrected this statement to 790 copies) and all the other books in sight. I gave defendant a receipt for them. The other books seized are contained in Exhibit "J. 6." Their titles are:

1. "Jesus Christ is God," by Rev. Walter Elliot.
2. "Who can forgive sins," by Rev. Patrick Danehy.
3. "Purgatory," by Rev. Henry A. Brann, D.D.
4. "How Christ founded the Church," by Rev. V. Jas. L. Meagher.
5. "Church or Bible," by Rev. Arnold Damen, S.J.
6. "America's Crisis," by Uriah Smith.
7. "Thoughts for the Candid," by J. N. Andrews.

"The first five are published by the "Catholic Truth Society." I am not prepared to say that they are indecent and obscene books. My warrant only called for indecent and obscene books. I am not competent to say whether or no "Crimes of Romish Priests" is an indecent and obscene

book I am not prepared to say that "Purgatory" is an indecent book or an obscene place. It may be. I am an Orangeman and take no stock in Purgatory. I do not belong to the "Bantly Orange Lodge." I never heard of such an Orange Lodge before. It is a new one to me. When I seized the books the defendant remarked that 'the Chief Justice was coming pretty low.' I don't know what led up to that remark. Defendant did not obstruct the search in any way. He seemed anxious to make it as complete as possible.' When I took the books he said to me. 'Don't you want to take me too?' I answered, 'No, *not now*.' I knew there was a warrant for his arrest at that time. Mills had it in his pocket. He showed it to me two hours before I seized the books. He showed it to me at 8 o'clock, when we first went to the hotel and could not find Ruthven. Mills wanted us to break open Ruthven's bedroom door. Both Officer Perdue and I refused to break open Ruthven's door. Mr. Byrne, the proprietor of the hotel, told Mills he would make it hot for him if he broke open the door. We then went away and Mills had the time for the execution of the warrant extended. We returned at 10 o'clock and Ruthven was in his room. When I came out of Ruthven's room with the books Mills handed me the warrant for Ruthven's arrest and said 'Don't execute this until ten o'clock to-morrow morning as we want to frighten Ruthven out of town. We will get word to him that he will be arrested in the morning and then he will run away to the United States on the eight-thirty boat, or to Nanaimo on the eight o'clock train. We want to get quit of him.' I arrested Ruthven at ten o'clock next morning. He was expecting me. He did not seek to avoid arrest. He said to me 'Good morning Sergeant, you see I am not on the run from Rome.' Mills was mistaken in his man; Ruthven did not take the boat."

Here Gordon Hunter tried to shake the damaging charges of Sergeant Walker against his colleague Mills, but only succeeded in bringing out a more emphatic statement than before. Mills told me not to execute the warrant until ten o'clock the next morning as he wanted the defendant to clear out on the boat.

This concluded the testimony of Police-Sergeant Walker, and it was certainly a revelation to the good people of Victoria. They then and there saw that *Mills*, the council for the prosecution, the member of the *thru church*, who took counsel with Hall and Bantly and Nicolaye in the Priests' house on Yates street, had brought the laws of the land into ridicule; had trampled under foot the honor and the dignity of the Crown; had treated with contempt Her Majesty's warrant "forthwith to apprehend" an alleged criminal; and had corrupted an officer of police in the execution of his duty. Had Sergeant Walker thrashed Mills within an inch of his miserable life when he bade him hold back the execution of that warrant, he would have only done his duty as a citizen, an officer, and a subject of the Queen.

After Sergeant Walker's testimony the court adjourned until 10 o'clock on Monday morning, July 26th, 1897.

On Monday morning, July 26th, 1897, at 10 o'clock, was resumed the further hearing of the case of Hall *versus* Ruthven, before Magistrate Farquhar Macrae, in the police court at Victoria, British Columbia.

The first witness called was Edward J. Blaquiere.

"My name is Edward J. Blaquiere. I live at 221 Cook street. I drive a baker's cart. I deliver bread for the Dominion Bakery.—(We hope the bread is not as crooked as

Edward). I first saw defendant when he lectured on the CONFESSIOAL in A. O. U. W. Hall. There was a large crowd of men in the hall. The seats were all taken and the standing room exhausted. There was a silver collection at the door. The man at the door told me to put my offering on the table. When I found that it was a voluntary contribution I ONLY PUT DOWN FIVE CENTS.—(Ah, these noble five-cent men, these NICKLE-NICOL-men). I went to defendant's room, his private room, room No. 63 at the Victoria Hotel, on the 14th of July. I asked him for the 'Eye-Opener.' He said he had no such book. When I asked him again whether he could not even lend me a copy of the 'Eye-Opener,' he looked very hard at me and said 'Are you straight?' I answered 'Yes, I am,' but really I was not straight. I was laying a trap to catch him. I told him that he could trust me as I was a Presbyterian. He answered 'If you are a Presbyterian the Shorter Catechism will suit you better than the 'Eye-Opener.' He offered me a copy of the Shorter Catechism. I did not take it. I had no use for it. I am not a Presbyterian. I am a Roman Catholic as a fact. When I told defendant that I was a Presbyterian I TOLD A LIE. I TOLD THE LIE SO AS TO TRAP HIM. Bantly sent me to trap him. I deliver bread to Father Nicolaye (poor man, no wonder he cultivates a pea-green complexion.) I am a member of the Y.M.I.' the Y.M.I. is a secret society composed exclusively of Roman Catholics. Bantly is a Y.M.I. I talked with Mills about the lecture and the book. Ruthven said that 'Crimes of Romish Priests' was a reliable list of some of the abominable crimes committed by Roman Catholic priests (and Ruthven says so still.) I again admit that I LIED to Ruthven so as to TRAP HIM."

Assuredly the *thru church* ought be proud of her children, self-confessed liars, bogus Orangemen, pretended Presbyterians. But she is consistent—is this *thru Church*. Always has she condemned, cursed and prescribed individual Christian men and women who dared to call their souls their own. Always has she anathematized societies, such as the Masonic and the Orange; societies filled with the best and noblest men within the borders of the Empire. Whilst the smiles, approval on and uses for her own base ends the thugs, the ruffians of the murderous Clan-na gael and the lying Y. M. I.

Liar Blaquiére was the star witness, and his evidence ended the case for the prosecution.

On permission being granted by the Magistrate, Gordon Hunter made a few disjointed, incoherent and altogether irrelevant remarks. He succeeded in still further exposing the fatuity and imbecility of the politico-religious organization which endeavored to stop free speech, to prevent honest exposure, and which brought the laws of British Columbia into contempt. We can never be persuaded that Gordon Hunter's intellectual acumen and brilliant eloquence will raise him to the wool-sack; though freely admitting him to be a very fitting counsel and attorney for Father Nicolaye and the Y. M. I.

When, to the intense relief of everybody, Hunter's rasping voice ceased to jar upon their nerves, Mr. Archer Martin rose to make the address for the defense. It was able, it was clear, it was eloquent, it was convincing. By quotations from "Hallam," "Fielding," the "Decameron" "Kipling," "Hardy," "Flaubert," "Sterne," "Swift," "Shakespeare," "Rabelais" and many other standard authors, Mr. Martin

not only paralyzed the counsel for the prosecution by his evident familiarity with a broad range of high-class literature, but he impressed Magistrate Macrae with the fact that "Crimes of Romish Priests"—far from "tending to corrupt the morals as well of youth as of other liege subjects of our Lady the Queen"—was in every sense fitted to take its place amongst these long-tried and accepted classics.

On Mr. Martin resuming his seat amid the suppressed applause of the assemblage, Magistrate Farquhar Macrae delivered himself as follows :

"During the last fifteen years of my official career, this is the first case which has provoked comment from the people within the court room whilst the court was sitting. There has been considerable excitement attending the hearing of this case. On two occasions I have been compelled to repress audible expressions of feeling. But without fear or favor I have sat and listened to the evidence—and without fear or favor will I now render my decision. Before doing so, however, I would beg of you, when I have closed my remarks, not to make any sign of approval or disapproval until you have reached the outside of the court-room.

"I AM OF THE OPINION, AFTER HEARING THE EVIDENCE, THAT I SHOULD NOT SEND THIS MAN UP FOR TRIAL.

"THE CASE IS THEREFORE DISMISSED AND THIS MAN IS FREE."

On the rendering of this decision the magistrate's words of warning were forgotten and cheer on cheer went up for Mr. Ruthven and his able counsel, Mr. Archer Martin.

But the end is not yet. Mr. Mills will now be called upon to explain on what grounds he made the laws of British Columbia subservient to the private spleen of Papist Priests; to show why he suppressed and concealed a Queen's warrant; and to enlighten the criminal courts on what precedent he undertook to hold up the British Criminal Code as ROME'S "BOGIE-MAN."

Now the question naturally suggests itself: why should Priest Nicolaye move heaven and earth, and the other place too, to stop Ruthven from lecturing? An all-sufficient answer is given by the following "facts for the consideration of Protestants," taken from the ex-priest's public utterances. He now, as before, challenges Priest Nicolaye, or any other priest or bishop, to deny and disprove them. The quotations are from "Gury," the hand-book of moral theology used to-day by all priests, and all students for the priesthood, all the world over. Into two parts it is divided, viz:

I. The "Compendium," which is the doctrinal treatise.

II. The "Casus Conscientia," which is a list of cases or examples arising from the above.

Facts for the consideration of Protestants:

1st. "Where there is no express will or direct intention to transgress there is really no transgression."

—*Gury, Compendium, 3.*

In other words every delinquent is held as being morally blameless, unless he had an EXPRESS INTENTION to commit the exact individual delinquency with which he is charged.

Example from the "Casus Conscientiæ:"

"Blazius, wishing to injure his enemy Caius, resolves to shoot his horse. He fails to hit the horse but kills a cow belonging to Titus, which was quietly lying behind the hedge.

Question.—Is Blazius required to make restitution?

Answer.—No. Not for the horse, which escaped! Not for the cow, since he did not INTEND to injure it. Nor even if the cow belonged to Caius is Blazius to be held responsible, since THAT PARTICULAR LOSS was unforesee."

This lesson has been taken well to heart by the Irish "Moonlighters," who have been well indoctrinated on the subtle shades of *intention* by their blackguard priests. It is so simple a matter to start out with the *express will and direct intention* of mutilating some one particular beast and making a mistake by the light of the moon, to mutilate or kill every other beast on the farm, or in the barn, *except that identical one*. By such convenient mistakes "Ould Ireland" is being constantly avenged, landlords and obnoxious neighbors are being constantly harassed and injured, poor helpless, dumb animals are being constantly mutilated in the most shocking manner, and all the while the sons of the *thru church* hold themselves, and are held by their devilish confessor, as morally blameless.

2nd. "Mental reservation is an act of the mind twisting or restricting words into another than the natural or the obvious sense."

—Gury, *Compendium*, 208.

"It is lawful to use mental reservation even with an oath."

—Gury *Compendium*, I., 442.

Examples from the *Casus Conscientiæ*. "Alfred, carrying dutible goods, to the question of the Customs Officer whether he carries anything liable to duty, replies no." Question—Does Alfred sin against the truth? Answer—Alfred does not sin against the truth, for to say 'I carry nothing liable to duty' is as if he said 'I carry nothing which I am bound to manifest,—your duty is to search, not ask questions.' We trust this word to the wise will be sufficient for our local Customs Officers.

"Bridget, having committed adultery, being questioned by her suspicious husband, answers that she has not broken her marriage vows. Question—Is Bridget guilty of falsehood? Answer—Bridget is not guilty of falsehood, 1. If she has been to confession (after the sin and before the question) she can boldly answer, "I am innocent of such a crime," for the priest's absolution clears her conscience and makes her no longer chargeable with the sin. With an oath therefore she can assert her innocence. Whether or not she has been to confession she can explicitly and directly deny the sin, if, when she says "I have not committed adultery," she mentally adds 'such as I am going to reveal to you.'

A satisfactory arrangement possibly for Bridget, but hardly so for the husband. And how it suits the confessor who may be inclined to take advantage of Bridget. Sin and confess and no sin is there. Indeed so commonly do the holy fathers of other mens children avail themselves of this little arrangement that of it, Liguori, Arch-Bishop Kenrick and other Romish Theologians make special mention.

3rd. "Secret compensation is the recovery of a debt by the invasion of another's property."

—Gury, *Compendium*, 284.

It is just and lawful if it satisfy the requisite conditions :

1. If servants accept an inadequate wage, or if burdened with work not their own, they may have recourse to secret compensation.

—*Gury, Compendium, 285.*

2. If a servant's ordinary duties be increased, he or she can secretly take compensation, the amount of which may be left to their own discretion.

—*Gury, Compendium, 285.*

3. A man does not sin who compensates himself without appealing to the law, even though he can conveniently do so.

—*Gury, Compendium, 285.*

Comment would simply spoil this precious teaching of the *thru church*. But it suggests the advisability of keeping a careful inventory of the assets on hand, and interesting in a bull dog and a yale lock when one is forced to employ the faithful.

4th. For seduction no restitution need be made ; neither for the loss of honor, since that cannot be repaired, nor for the temporal loss which may ensue as a natural consequence.

—*Gury, Compendium, 332.*

5th. "On account of a grave cause it is lawful to do an action good in itself, from which, outside the intention, the death of an innocent person follows"

—*Gury, Compendium, page 189, par. 400.*

Does not this teaching explain the otherwise unintelligible atrocities of the Romanist Spaniards who forcibly baptized and then slaughtered the aboriginal inhabitants of South

and Central America, and of the European Inquisitors. The *grave cause* was the saving of the red man's soul or the stamping out of heresy. These were *actions good in themselves*—the death of the innocent victims involved was merely an unavoidable incident—an unpleasant means towards an undeniably good end.

And let British Protestants remember that these are the teachings of "gentle Mother Church" *to-day, within their own great Empire*, and teachings with which Rome is, at this very hour, indoctrinating a large section of their fellow-citizens and subjects.

We believe it would be well to republish the following able editorial from *The Province*, July 31st, 1897, bearing as it does on the case "Rome vs Ruthven."

AN INTERESTING CASE.

Public opinion in Victoria has lately been considerably exercised over the case of Mr Victor Ruthven, an ex-priest of the Roman Catholic Church, which at one time bid fair to attain the proportions of a *cause celebre*, and may yet be productive of sensational outcome. The facts are briefly as follows: Mr Ruthven gave certain lectures in the A. O. U. W. Hall which, however interesting and instructive they might have been to Protestant minds, were unquestionably of a nature to arouse the hostility of members of the Church of Rome. As a consequence information was laid by one Joseph Hall, a Roman Catholic charging Victor M. Ruthven with the public sale and utterance of a certain indecent and obscene book called "Crimes of Romish Priests." "Thereby tending to corrupt the morals as well as youth as of other liege subjects of our Lady the Queen, and against the peace

of our said Lady the Queen Her Crown and dignity.' Warrants were issued for Mr Ruthven's arrest and the seizure of the books in his possession. The case commenced on Thursday last week, at the Victoria Police Court, Mr. Gordon Hunter and Mr. S. P. Mills appearing for the prosecution, Mr. Archer Martin for the defence.

It was apparent from the expression of approval at intervals in court, despite Magistrate McCrae's repeated warnings, that public feeling ran high and unusual interest, as is inevitably the case in matters involving religious controversy, had been aroused. Witnesses for the prosecution were brought to prove the public sale of the alleged obscene pamphlet in the defendant's private room (bedroom) at the Victoria Hotel and nothing whatever transpired until Mr. Martin began his cross-examination to show that any motive animated the prosecutors save a sincere desire to vindicate aspersions upon the character of the Roman Catholic priesthood. But cross-examination in the hands of a skillful lawyer is a wonderful "eye opener." Little by little information was evolved which threw new light upon the proceedings. One by one the witnesses who had evinced such praiseworthy zeal for the protection of public morals were traced to the same source. They came from it prior to the purchase of the book, they returned to it subsequent to the purchase of the book. That source was Father Nicolaye, "the same Father Nicolaye who had issued a writ against the defendant Mr. Victor M. Ruthven for criminal libel."

The inference is certainly peculiar. But that is not all, Mr. Martin again in cross-examination elicited the interesting fact from Police Sergeant Walker that the arrest of the defendant was postponed from eight o'clock one evening until ten o'clock the next morning, by instructions from Mr.

S. Perry Mills, Solicitor for the prosecution, (who had the warrant in his pocket) in order to give the defendant, after the seizure of the books, time to evade the law by taking his departure either by the train for Nanaimo which left at eight, or by the boat for the Sound which left at half-past. This inference is even more peculiar, and constitutes such a truly remarkable phase of the question that we have probably not heard the last of it.

Counsel for the defence, who, it must be admitted, handled his case in a masterly style from start to finish, demonstrated to the satisfaction of the magistrate, by comparison with standard literary works, that the book was not obscene and the charge finally was dismissed. The decision was received with applause by the crowd, who gave three cheers for "Father Ruthven" as he emerged from the Court.

Thus ended one of the most interesting cases ever held in Victoria before a stipendiary magistrate and it is certainly worthy of a word or two of comment. We desire it to be distinctly understood that *The Province* has no sympathy with any public utterance or publication which tends to disturb the peace or stir up strife between members of different religious denominations. We do not see upon what grounds any man can consider it justifiable, in the exercise of what may be his legal rights, to embark upon a course of which he cannot possibly see the end and which may lead to consequences of extremely regrettable nature. On the other hand it is only fair to bear in mind that in this instance the pamphlet complained of was itself a reply by the editor of *Light*, a San Francisco paper, to an attack which had been made by the *Monitor*, a Roman Catholic publication edited by Father Yorke (brother-in-law of Chief Justice Davie, as transpired in evidence) upon the character of Mr. Ruthven,

whom it described as "only a weed cast from the Pope's garden," and may therefore be regarded in the light of a retaliatory measure.

Mr. Ruthven is here to-day and may be gone to-morrow, and such denunciations as he has seen fit to make against the religious body of which he once formed part, whether supported by evidence or not, will probably be largely evanescent in effect upon the vast majority of our citizens. But Father Nicolaye and Mr. S. Perry Mills are with us always as prominent members of the community, and their share in the proceedings is not likely soon to be forgotten.

By way of comment on the statement: "as for the sisters, those angels on earth, words cannot express our love and admiration for them," in the letter of S. Perry Mills, quoted above, we publish the following from the "*Citizen Boston* Mass, U. S. A. July 3rd, 1897:

HORRIBLE CASE IN BUFFALO, N. Y.

The Buffalo, N. Y., *Evening Times* of June 14, contained the following terrible story:—

"Coroner Tucker had his official attention called this morning to the death of Teresa Carlow on June 3rd at the Providence Retreat, the insane hospital conducted by the sisters of charity at Main St. and Humboldt Parkway.

"It is a highly sensational case, and Coroner Tucker will investigate it. The leading facts are already well known, and to-day were generally discussed in the City Hall.

"Teresa Carlow was a beautiful girl. Insanity apparently increased her physical loveliness. She was a celebrated

patient at the Providence Retreat, *where she has been kept in close confinement for four years.* Rumors that a patient of superfine beauty was immured in the Retreat often reached the outside world. To alienists her case was particularly interesting. Doctors from other institutions came to see her, and attendants in rival institutions discussed the reports they had heard of the handsome lunatic whose eyes were lit by the fire of madness instead of love.

"On June 3rd Teresa Carlow died. Not until June 10th was her death certificate filed by Dr. Wood, who has charge of the Retreat. Why was this delay of seven days?

"The answer lies in the cause of death which in the delayed certificate is given as follows:—

"Hemorrhage following child-birth."

"The certificate is signed by Dr. Wood, and did not have the O. K. of either coroner.

"These four words set the register to thinking of strange crimes. He showed the certificate to others. They were amazed.

"It was shown to Coroner Tucker to-day, and he resolved to investigate.

"Dr. Wood refused to be questioned by a *Times* reporter, saying that the case was a 'mystery which he could not fathom.' He had no idea who was the father of the child, which was born dead. Every one at the hospital was equally mysterious. All seemed oppressed with an air of somber silence.

"Teresa Carlow was twenty-six years old. The death certificate says she was illegitimate. She was buried in Holy Cross Cemetery. The officials at the Retreat positively refuse to show her record on the books or to tell where she came from or who her parents are."

The above story made a great sensation, and the next day this note appeared in the same paper:—

"Teresa Carlow, the young woman who died at the Providence Retreat June 3rd, was apparently without a husband or friends of any description, except that provided by the good sisters in charge of this well-known charitable institution."

"For many years the sisters had extended their protection to the unfortunate young woman. *Since May 1, 1896, she had been given a limited amount of parole.*"

"Dr. Wood, the physician in charge of the Retreat, fulfilled every requirement of the law in filing the death certificate, and there certainly was nothing in connection with the young woman's death which in any way reflected upon him or the Providence Retreat."

Those who know state that the girl had not been outside of the convent for four years, and that nobody was admitted except priests.

And the following from the Victoria, B. C. Daily Times, Tuesday June 29th, 1897:

TERRIBLE SCANDAL IN ITALY.

Among the many painful exposures involving persons of high standing in France, Italy and elsewhere, none have approached the terrible charge against the managers of the

Hospital of the Annunziato of Naples. This is an institution in which new-born infants are supposed to be taken in and cared for. If these charges are even remotely true, at this hospital matters must be infinitely worse than at some of the so-called baby farms in this country. The hospital is said to have an annual income of 568,000 lire, and it is alleged that of 856 infants received there in 1895, only three survived at the end of 1896, of whom two have since died. It is also asserted that there are now only twenty children of less than seven years of age alive, out of the many thousands who should have attained that age, if properly cared for.

Surely, so terrible an indictment was never before brought against any public or semi-public institution, and it may be hoped that the enquiry the Marchese di Rudini has promised shall be held will show that it grossly exaggerates. But even allowing for this, it can hardly be doubted that there must have been terrible mismanagement, if not worse, at the hospital, at the head of which is a Deputy of the Chamber, with another Deputy as assistant manager. It is difficult to understand how the alleged things can have gone on year after year, without being long ago brought to light. It is inconceivable that a mortality of over eight hundred and fifty infants a year could have passed unnoticed. The persons charged with the burial of these infants, their mothers, the clergy and others must have surely been cognizant of the state of affairs, and rumors must have got about that should have reached the ears of the authorities long ago.—*London Standard*.

Together with its sequel from the *Citizen*, Boston, Mass.
U. S. A. July 24th, 1897:

AN INCREDIBLE SCANDAL.

Under the above heading, the London *Lancet*, a medical journal of world wide fame, publishes the following, from its correspondent at Rome :—

The Commission of Inquiry (which) has recently reported to the Chamber of Deputies on the “*fatti dolorosi, enormi, incredibili*” (sad, hideous, incredible facts) revealed in the administration of the Foundling Hospital at Naples.

This Hospital, (or “*Bretfotrofio*,” as it is called,) is, I am sorry to say, a specimen—though an exceptionally ghastly one—of the many institutions of the kind established in the great centres of population where the large celibate communities of both sexes, accommodated in religious houses, are the cause of illegitimacy on an enormous scale, the hapless offshoots of which find their way as foundlings into the said hospitals, where, if they are not “*killed outright*,” they can hardly be meant to live. The mortality thus occasioned has long been a scandal, though it has seldom, if ever, attained the total given by the Commission of inquiry in its report on the Neapolitan “*Brefotrofio*.” In the last two statistical years the foundlings admitted into that institution were eight hundred and fifty-six, and their deaths at the close of 1896—the second of those two years—amounted to eight hundred and fifty three. ! In other words, the survivors of the “*system*” were, all told, three !

That something hideously wrong prevailed throughout the management of the “*Brefotrofio*” as a whole had long been more than suspected. The “*corpo sanitario*” (sanitary authorities) of Naples made repeated attempts to get at the truths officially veiled, but all in vain. There was reason to know

that every hygienic law in the institution was "honored in the breach," not "in the observance;" that the dormitories were positively foul with untidiness and neglect; that the management made absolutely no provision for "*sale d'isolamento*" (isolation rooms) on the frequent outbreak of infectious or contagious disease, *that no addition was made to the wet-nurse service when the foundlings were admitted in larger numbers; that for instance, one nurse was allowed to give the breast to as many as four infants per diem*; that the hot water boiler was unknown in the building; and that *the baby linen was as filthy as it was deficient, seldom renewed, and still more seldom washed*. Nor is this all. The Commission of Inquiry reports that the milk (cows or goat's) was never sterilized; that the feeding-bottles were never disinfected, and that a stop was put to the dispensary from which medicines and sick-room necessities were gratuitously supplied to the out-door nursing service. Worse still remains to be told. In order to relieve the institution of its tiny inmates—as if death did not complete its task quickly enough—the management (so says the report) trumped up against those of them who had reached seven years of age, charges of insubordination or other offenses grave enough to relegate them to houses of correction! Thus comments the Cavaliere Ferrone, chairman of the Commission, by condemning the child to associate with young thieves and law-breakers recruited from the worst classes, you bring about his "civil death," in the rare event of his having succeeded in escaping "natural death."

And so, from the first page to the last, the Report accumulates proof upon proof of criminal violation of all the rules that ought to control such institutions, while the debate it awoke in the Chamber of deputies on the 2nd inst.—a debate headed in the Parliamentary reports, "*Gli Orrori del*

Brefotrefio di Napoli" (The Horrors of the Naples Foundling Hospital)—drew from several speakers the demand that the administrators should be prosecuted to conviction.

These "Functionaries" have all resigned, and the Minister of Grace and Justice has undertaken that they and their conduct shall come before the tribunals."

And the following from a press dispatch published in the *Courier*, Buffalo, N. Y., U. S. A., May 25th, 1894:

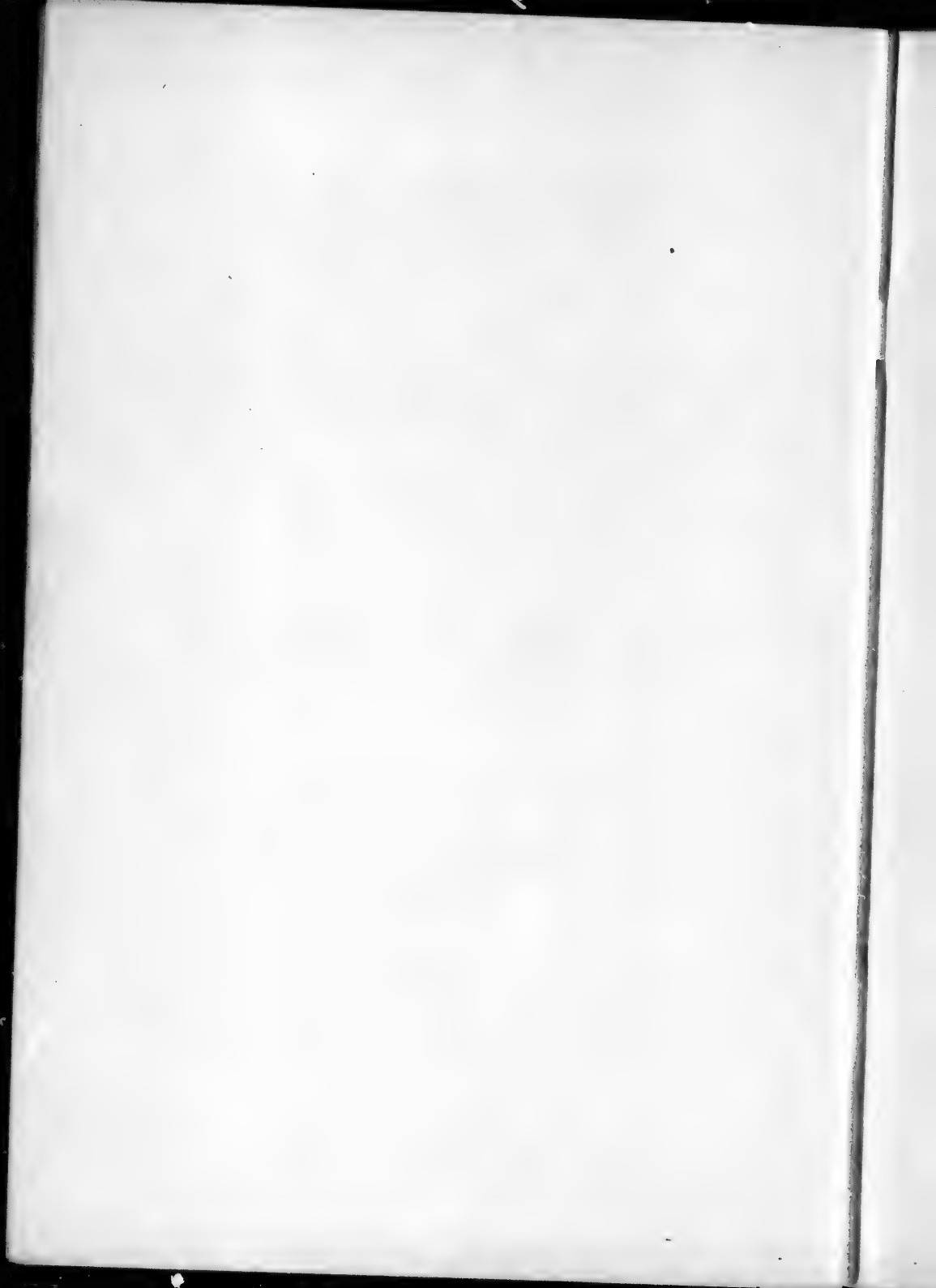
"At Chicago, May 24th, 1894. Attorney-general Moloney filed a bill in the circuit court to recover property valued at \$500,000 from the mother superior of the servites sisters of mercy in that city, the bill also charges that the mother superior's *immorality* has become a public scandal."

We might also refer to the hideous disclosures made but a few months since concerning the "Girls Directory," an institution run by the sisters of St. Francis in San Francisco, Cal.

"Angels on earth" may these sisters be, but some of them are evidently a little off color, but in justice to S. Perry Mills, we must remember that there are white angels, and there are black; angels who surround the Almighty's throne, and angels who have fallen to the depths beneath, and he has not indicated the present complexion or the future location of "the Sisters—those angels on earth"

In closing we might say that Mr. Ruthven has hired the A. O. U. W. Hall for an indefinite period, and delivers a patriotic, anti-Romish lecture every Sunday evening. The following card is handed to each visitor as he enters the hall.

Believing you to be "A FRIEND OF LIBERTY, A LOVER OF BRITISH FAIR PLAY," we extend to you a cordial invitation to be present at our Patriotic Sunday Service. Rev. V. M. Ruthven, (Ex-Priest of Rome), will deliver a popular lecture on the Romish Question. When it is—Next Sunday Evening at 8 o'clock. Where it is—A. O. U. W. Hall, Yates Street, Victoria, B. C. What it is—An Honest and Fearless Exposure of the Destructive Doctrines and the Atrocious Practices of the Church of Rome. Come and bring a friend. Silver collection to pay necessary expenses.







— PATRIOTISM. —

JUSTICE.



LIBERTY.

Where'er Our Gracious Queen Doth Reign.